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RESOLUTION NO. 09-297

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON SHORELINE FROM THE EAST LINE OF LOT 16, BLOCK 1 TO THE WEST LINE OF LOT 32, BLOCK 1; PARADISE FROM THE EAST LINE OF LOT 33, BLOCK 1 TO THE NORTH PLAT LINE OF EMERALD BAY ESTATES 2ND ADDITION; PARADISE CT. FROM THE EAST LINE OF PARADISE TO AND INCLUDING CUL-DE-SAC; BRISCO FROM THE WEST LINE OF PARADISE TO THE WEST PLAT LINE OF EMERALD BAY ESTATES (NORTH OF 21ST, WEST OF WEST STREET) 472-84867 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING PAVEMENT ON SHORELINE FROM THE EAST LINE OF LOT 16, BLOCK 1 TO THE WEST LINE OF LOT 32, BLOCK 1; PARADISE FROM THE EAST LINE OF LOT 33, BLOCK 1 TO THE NORTH PLAT LINE OF EMERALD BAY ESTATES 2ND ADDITION; PARADISE CT. FROM THE EAST LINE OF PARADISE TO AND INCLUDING CUL-DE-SAC; BRISCO FROM THE WEST LINE OF PARADISE TO THE WEST PLAT LINE OF EMERALD BAY ESTATES (NORTH OF 21ST, WEST OF WEST STREET) 472-84867 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to authorize constructing pavement on Shoreline from the east line of Lot 16, Block 1 to the west line of Lot 32, Block 1; Paradise from the east line of Lot 33, Block 1 to the north plat line of Emerald Bay Estates 2nd Addition; Paradise Ct. from the east line of Paradise to and including cul-de-sac; Brisco from the west line of Paradise to the west plat line of Emerald Bay Estates (north of 21st, west of West Street) 472-84867.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to Five Hundred Eighty-Eight Thousand Dollars (\$588,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro rata of 1 percent per month from and after September 1, 2009.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

EMERALD BAY ESTATES 2ND ADDITION

Lots 16 through 56, Block 1

Lots 1 through 13, Block 2

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis.

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis each of the described Lots paying 1/54 of the total cost payable by the improvement district.

Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot or parcel and shall be in addition to the assessment for other improvements.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 15th day of September, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)